

Introduced by Senator Yee

February 24, 2012

An act to amend Section 11167 of the Penal Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1349, as introduced, Yee. Child abuse reporting: mandated reporters.

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. The report of suspected child abuse or neglect is required to include specified information, including the capacity that makes the person a mandated reporter, the information that gave rise to the suspicion of child abuse or neglect, and the source of that information.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11167 of the Penal Code is amended to
2 read:

1 11167. (a) Reports of suspected child abuse or neglect pursuant
2 to Section 11166 or Section 11166.05 shall include the name,
3 business address, and telephone number of the mandated reporter;
4 the capacity that makes the person a mandated reporter; and the
5 information that gave rise to the reasonable suspicion of child
6 abuse or neglect, and the source or sources of that information. ~~If~~
7 *When* a report is made, the following information, if known, shall
8 also be included in the report: the child's name, the child's address,
9 present location, and, if applicable, school, grade, and class; the
10 names, addresses, and telephone numbers of the child's parents or
11 guardians; and the name, address, telephone number, and other
12 relevant personal information about the person or persons who
13 might have abused or neglected the child. The mandated reporter
14 shall make a report even if some of this information is not known
15 or is uncertain to him or her.

16 (b) Information relevant to the incident of child abuse or neglect
17 and information relevant to a report made pursuant to Section
18 11166.05 may be given to an investigator from an agency that is
19 investigating the known or suspected case of child abuse or neglect.

20 (c) Information relevant to the incident of child abuse or neglect,
21 including the investigation report and other pertinent materials,
22 and information relevant to a report made pursuant to Section
23 11166.05 may be given to the licensing agency when it is
24 investigating a known or suspected case of child abuse or neglect.

25 (d) (1) The identity of all persons who report under this article
26 shall be confidential and disclosed only among agencies receiving
27 or investigating mandated reports, to the prosecutor in a criminal
28 prosecution or in an action initiated under Section 602 of the
29 Welfare and Institutions Code arising from alleged child abuse,
30 or to counsel appointed pursuant to subdivision (c) of Section 317
31 of the Welfare and Institutions Code, or to the county counsel or
32 prosecutor in a proceeding under Part 4 (commencing with Section
33 7800) of Division 12 of the Family Code or Section 300 of the
34 Welfare and Institutions Code, or to a licensing agency when abuse
35 or neglect in out-of-home care is reasonably suspected, or when
36 those persons waive confidentiality, or by court order.

37 (2) No agency or person listed in this subdivision shall disclose
38 the identity of any person who reports under this article to that
39 person's employer, except with the employee's consent or by court
40 order.

- 1 (e) Notwithstanding the confidentiality requirements of this
2 section, a representative of a child protective services agency
3 performing an investigation that results from a report of suspected
4 child abuse or neglect made pursuant to Section 11166 or Section
5 11166.05, at the time of the initial contact with the individual who
6 is subject to the investigation, shall advise the individual of the
7 complaints or allegations against him or her, in a manner that is
8 consistent with laws protecting the identity of the reporter under
9 this article.
- 10 (f) Persons who may report pursuant to subdivision (g) of
11 Section 11166 are not required to include their names.

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